UPS Supply Chain Solutions, Inc.
1930 Bishop Lane, Suite 200
Louisville, KY 40218

March 11, 2004

Mr. Louis Carson
Food and Drug Administration
Center for Food Safety and Applied Nutrition
HFS-032
5100 Plant Branch Parkway
College Park, MD 20740

Dear Mr. Carson:

United Parcel Service, Inc. and its subsidiaries ("UPS") submit this letter in response to the "Verification Notifications" that the Food and Drug Administration ("FDA") has recently issued to certain UPS express courier and freight forwarding facilities. As you know, these Verification Notifications require that the recipient facility "agree" or "disagree" that the facility must be registered with the FDA under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. The purpose of this letter is to provide the FDA with a response on behalf of those certain UPS facilities, in lieu of responding to each Notification.

In January 2004, the FDA published policy guidance exempting from registration "express courier" facilities and "freight forwarders" that "are part of the transportation network" and "have possession, custody, or control of food for the sole purpose of transporting it." Food and Drug Administration, Guidance to the Industry: Questions and Answers Regarding Registration of Food Facilities (Jan. 12, 2004). This guidance altered previous FDA guidance on the issue, which required these facilities to be registered. See, e.g., 68 Fed. Reg. 58894, 58904 (Oct. 10, 2003).

Certain UPS facilities that are no longer subject to the Interim Rule because of this policy change received Verification Notifications from the FDA. In response to an inquiry as to whether such facilities must respond, the Deputy Director (Food Safety and Security Staff), forwarded a written response from the FDA Associate Director for Regulations (Food Safety and Applied Nutrition), which provides that although express carrier facilities that are now exempt from registration under the new policy "have no duty to register, and thus, no duty to verify the registration is correct," the FDA asks that they do so to keep its database current. (See attached Feb. 12, 2004 email).

We appreciate the FDA's response that these facilities have no duty to register but wanted to take this opportunity to provide the FDA with updated information regarding these facilities' registration status. Therefore, UPS is responding on behalf of each facility that falls under the new exemption discussed above. Such facilities "disagree" that they must be registered based on the FDA's January 2004 policy statement. UPS is working diligently with the FDA to cancel the

registration of these facilities to ensure the accuracy of the FDA's database. UPS also understands that some of its facilities may still be required to register under the Interim Rule and is, of course, evaluating the applicability of the registration requirement on a facility-by-facility basis.

We hope this information is helpful. Please let us know if we can be of further assistance. If you have any questions, contact me directly at 502.485.2607 or via email at donwoods@ups.com.

Sincerely,

Donald J. Woods

Donald J. Woods
U.S. Compliance and Training Manager